

# **EXHIBIT C**

1 Q. Okay. And can you give me your  
2 current address?

3 A. Mailing or physical?

4 Q. Both.

5 A. Okay. Mailing address is 93 Lake  
6 Drive, Williamsburg, Mass. The actual address  
7 is 93 Lake Drive, Goshen, Mass.

8 Q. And are you currently employed?

9 A. No -- well, I'm an elected  
10 official, Goshen Board of Health member.

11 Q. Okay. No other jobs, side jobs?

12 A. No.

13 Q. And were you previously employed?

14 A. Before I retired, I was the deputy  
15 director with the DPW.

16 Q. And this was the DPW in  
17 Springfield?

18 A. Correct.

19 Q. How many years were you there?

20 A. Total with the City was roughly  
21 thirty-one years.

22 Q. And for how many years were you the  
23 deputy director of the DPW?

24 A. Approximately the last seventeen.

1           Q.       And what was your role before the  
2 last seventeen?

3           A.       I will make a slight correction to  
4 it. I stepped down for my last year and I went  
5 back to my position of -- assistant deputy  
6 director of engineering, I think, was the title.

7           Q.       Assistant deputy director of  
8 engineering?

9           A.       Of engineering.

10              MS. SHEEHAN: Before you  
11 continue, I want to -- I apologize for  
12 interrupting, but I think I made something  
13 a little confusing. It was -- 2010 to  
14 2012, there was no such position as a snow  
15 route inspector for the City of  
16 Springfield. That position did not exist.  
17 2010 to 2012, those duties and  
18 responsibilities of a snow route inspector  
19 were fulfilled, for the most part, by  
20 foremen who are employed by the DPW.  
21 There is no such thing as a snow route  
22 inspector from '10 to '12.

23              MS. BRODEUR-MCGAN: Okay. In  
24 the future, maybe you could pull me

1                   outside and tell me that so that it  
2                   doesn't seem like you're coaching the  
3                   witness to what he's supposed to be  
4                   talking about for Schedule A1?

5                   MS. SHEEHAN: Okay. I wanted  
6                   to clear that up before we continue.

7                   MS. BRODEUR-MCGAN: Okay.

8                   Q.         (By Ms. Brodeur-McGan) Do you  
9                   remember the exact date that you retired?

10                  A.         That would have been my birthday or  
11                  the day before my birthday, January 13, 2015.

12                  Q.         2015?

13                  A.         Yes. I get confused.

14                  Q.         So I'll tell you that Mr. DeSantis  
15                  testified that he started with the DPW in  
16                  October of 2013 and that there was some overlap  
17                  between the two of you?

18                  A.         That's correct.

19                  Q.         So if you could just describe what  
20                  overlap and what title you were in when there  
21                  was an overlap from October of 2013?

22                  A.         October 2013, I was a deputy  
23                  director of operations and maintenance.  
24                  Mr. DeSantis was hired to replace me and

1 gradually took over my responsibilities until  
2 roughly the end of December, where he had all  
3 the responsibilities at that point, and I  
4 assumed the new position roughly January 14 of  
5 2014.

6 Q. And that would be the assistant  
7 deputy director of engineering?

8 A. Correct.

9 Q. So generally speaking, for the year  
10 of -- let's just say the year -- what I want to  
11 ask you about is changes in the DPW that led to  
12 the need to post for snow inspectors, so let me  
13 ask you some general questions about that.

14 During the time that you were the  
15 Deputy Director of the DPW, did you need to post  
16 for snow inspectors in order to have sufficient  
17 numbers to do the snow inspection function?

18 A. Occasionally, yes.

19 Q. Okay. Just tell me what you mean  
20 by that. How many times had you had to post for  
21 snow inspectors?

22 A. Say the question again, please.

23 Q. Sure. I'm getting at whether or  
24 not -- during your tenure when you were the

1 director, whether or not you had to post to  
2 invite people to apply for snow inspector roles?

3 A. I think it was 2012 we created the  
4 job description to post for additional snow  
5 inspectors because our DPW numbers were getting  
6 insufficient to cover the position.

7 Q. Okay. So what I want to talk about  
8 then is that moment in time before you had to  
9 post for snow inspectors. All right. And I am  
10 going to go through a few years.

11 So if the posting -- and let's  
12 assume for a second the posting was in 2012 for  
13 snow inspectors. What was going on in 2011?  
14 How was the City using people to perform the  
15 snow inspection role?

16 A. Historically, the foreman's union  
17 and engineering union were used for snow  
18 control, snow inspection/snow control,  
19 predominantly the foreman's union. It was part  
20 of their job description. And the engineers  
21 were always able to, but most of them chose not  
22 to at that point in time.

23 Q. And can you just describe for me  
24 what a -- both foremen and engineering, those

1 members in the union, they were under the  
2 umbrella of DPW?

3 A. Correct.

4 Q. They were DPW employees?

5 A. That's correct.

6 Q. And the engineering union, what  
7 union was that?

8 A. I don't recall.

9 Q. If you remember, by the way, you  
10 know, an hour from now and it pops in your head,  
11 feel free to let me know.

12 And how about the foreman's union?  
13 Do you know what that one was?

14 A. I'm going to be guessing, so I'll  
15 say I don't know.

16 Q. Okay. And by the way, can we use  
17 some terms of art that are -- I want to make  
18 sure we're on the same page. Snow season is --  
19 or snow inspection season is different from  
20 fiscal year, correct?

21 A. It happens during the fiscal year.  
22 Fiscal year starts July 1 and runs to the end of  
23 June and the snow season starts basically  
24 December 1 and runs until May of -- not May,

1 be on the rotation for plowing.

2 Q. Okay. And is there a particular  
3 title of a person that you would expect to also  
4 be plowing, for instance, solid waste foremen?

5 A. Mainly their classification had to  
6 require a CDL, Commercial Driver's License.

7 Q. Okay. So if they worked for the  
8 DPW and they had a CDL, there was a possibility  
9 they could plow?

10 A. Yes.

11 Q. Okay. And it wouldn't say it in  
12 their title. Their title could be completely  
13 different?

14 A. That's correct. It was probably a  
15 requirement of their title.

16 Q. Okay. The plowing or the CDL? You  
17 said it's probably a requirement of their title.  
18 What was a requirement of their title?

19 A. The CDL license. In order to be a  
20 truck driver, you had to have a CDL license.

21 Q. Okay. So talking about -- again,  
22 it lists on here people that actually plowed.  
23 Can you think of anybody else on this list that  
24 actually plowed?

1 snowstorm in February of 2012 that caused that  
2 alarm?

3 A. I don't specifically recall.

4 Q. Okay. And in the snow season 2011  
5 to 2012, do you remember how many people were  
6 performing the function of inspecting the roads?

7 A. I don't remember the specific year  
8 that I changed it from fifteen to twenty.

9 Q. Okay. And is there anything that  
10 would tell us -- anything you could look up that  
11 would tell you when it changed from fifteen to  
12 twenty?

13 A. Nothing that I can look up.

14 Q. Well, anything that the City could  
15 look up in your old documents?

16 A. They could probably find something  
17 out there if it exists.

18 Q. And where would they look?

19 A. In that snow directory that you  
20 referred to --

21 Q. Okay.

22 A. -- or an old copy of my files.

23 Q. Hard copy?

24 A. No.

1 Q. And Michael McNulty?

2 A. Yes.

3 Q. And incidentally, Michael McNulty,  
4 he never applied to be a snow route inspector.  
5 How was it that he was training in 2012 to be  
6 one?

7 A. He had to have applied. We  
8 wouldn't have made him do it.

9 Q. Okay. So I'll represent to you  
10 that the City has produced to me applications  
11 from 2012 and also applications from 2013 and  
12 that Mr. McNulty's name was not in any of the  
13 applications.

14 A. He may have e-mailed me or told me  
15 personally, but there's no way I made him do it.  
16 That wasn't possible. He volunteered for it.

17 Q. So do you have a memory of him  
18 putting in an application?

19 MS. SHEEHAN: I think he just  
20 answered.

21 A. Specifically, no.

22 Q. And you said he may have e-mailed.  
23 If he had e-mailed and expressed a desire, that  
24 would have been included as an application,

1 somewhat necessary for the operation.

2 Q. So did you ask him to apply?

3 Did he --

4 A. Either myself or Bob Houldson asked  
5 him.

6 Q. Do you have a memory of it?

7 A. My guess would be Bob Houldson.

8 Because it was my son, I would have deferred.

9 Q. Maurice Rowtham also got paid to  
10 train in 2012 and didn't apply. Do you know how  
11 that happened?

12 A. Once again, we were all in the same  
13 building. I recall being stopped in the hallway  
14 and questioned by individuals, what's involved,  
15 what are you looking for, that type of stuff,  
16 people expressing that they're willing to give  
17 it a try.

18 Q. Okay. So for the 2011 into '12  
19 snow season, you were bringing new people in for  
20 snow route inspection jobs?

21 A. Correct.

22 Q. And we don't have a list of those  
23 people here today, or at least that you looked  
24 at. I want to be fair to you.

1 MS. SHEEHAN: Objection.

2 That's not what he said at all.

3 MS. BRODEUR-MCGAN: I didn't  
4 say that's what he said. I'm asking the  
5 question.

6 Q. (By Ms. Brodeur-McGan) Does that  
7 call into question the thoroughness of the  
8 document that's attached to Exhibit 11?

9 A. I wouldn't know.

10 Q. Well, does it call it into question  
11 in your mind?

12 A. I would question why there's no  
13 Section 19 listed here and who worked it.

14 Q. Okay. So if Seldin worked as a  
15 snow inspector before, would he have had to  
16 apply to be a snow inspector?

17 MS. SHEEHAN: Could we just  
18 get a year?

19 Q. (By Ms. Brodeur-McGan) In  
20 September of 2012 the DPW makes a posting saying  
21 snow inspectors need to apply, forty positions  
22 open, is that accurate?

23 A. Okay.

24 Q. Do you remember that?

1 A. Yes.

2 Q. So if Seldin had been performing  
3 the function of snow inspecting prior to  
4 September of 2012, would he have had to have  
5 applied do it again?

6 A. No.

7 Q. Okay. Same question for 2013. If  
8 Mr. Seldin was performing the inspection  
9 function, snow route inspection function, prior  
10 to 2013, would he have had to have applied in  
11 October of 2013?

12 A. In my opinion, no.

13 Q. Okay. So can we explain -- and I  
14 will represent to you that Jacob Seldin applied  
15 in 2013 for the position of snow route  
16 inspector. So does that make you think he  
17 wasn't a snow route inspector prior to this?

18 A. No, it doesn't make me think that.

19 It just --

20 Q. Okay. So you can't explain that  
21 either?

22 A. Not what he was thinking, no.

23 Q. Okay. So when we looked at the  
24 chart attached -- where was that chart we were

1 looking at? It's in Exhibit 4. When we looked  
2 at the chart, which was Exhibit 2 attached to  
3 Deposition Exhibit 4, is this -- the names in  
4 that box, were they primary inspectors for at  
5 least some period of time?

6 A. Yes.

7 Q. And the names on the left, these  
8 are not backup, spares, or secondaries?

9 A. No.

10 Q. So the next document is -- and by  
11 the way, we don't know what year this  
12 represents?

13 A. Okay.

14 Q. Is that right?

15 A. That's correct.

16 Q. And so Exhibit 3 attached to  
17 Deposition Exhibit 4 DeSantis, have you seen  
18 this two-page document before?

19 A. No.

20 Q. Really?

21 A. It doesn't look familiar to me.

22 Q. Okay. So I'm reading from  
23 Exhibit 4 from the MCAD. This is the City's  
24 answer to the MCAD. I'm reading from the third

1 paragraph of Page 2. It says, "As the posting  
2 stated, the Department of Public Works intended  
3 to hire twenty primary and twenty backup snow  
4 route inspectors for the seasonal intermittent  
5 position. While that was the original number  
6 intended, everybody who applied made it to the  
7 list. The list now consists of twenty-six  
8 primary and thirty-one secondary inspectors. A  
9 copy of this list is attached as Exhibit 3.  
10 There are five women on the list of secondary  
11 inspectors. Last winter Jean was one of the  
12 women called during the snowstorms to be trained  
13 as a snow inspector."

14               Okay. So let's break those things  
15 down. The City is representing that after the  
16 posting there were multiple people as primary,  
17 multiple people as secondary. And Exhibit 3 is  
18 the list of primary and secondary?

19               A.       I don't believe that we required  
20 existing foremen and existing people doing the  
21 process to reapply and call them snow  
22 inspectors, but --

23               Q.       Okay.

24               A.       -- because that was already their

1 says forty intermittent snow route inspectors?

2 A. Correct.

3 Q. So do you personally know -- prior  
4 to October of 2012, was it the intent to hire  
5 forty primary inspectors that were in addition  
6 to people already performing the function of  
7 snow route inspecting for the City?

8 A. Could you repeat the question?

9 Q. Sure. I'm going to break it down  
10 into two questions, so maybe it's less  
11 confusing.

12 What was the intent of Exhibit 14,  
13 if you know? What was the purpose of this?

14 A. It was to bring everybody doing the  
15 work an equal salary.

16 Q. What do you mean by that?

17 A. We found that there were people  
18 that came from outside the department doing the  
19 work getting paid their hourly rate, which was  
20 more than our foremen, so we had to establish a  
21 position with a salary.

22 Q. Or better yet, a position with an  
23 hourly pay rate?

24 A. Correct.

1 Q. Not a salary?

2 A. Correct. It's an hourly pay rate.

3 Q. And this hourly pay rate that's  
4 listed on Exhibit 14 is \$25 an hour, correct?

5 A. That's correct.

6 Q. And so the goal -- and don't let me  
7 put words in your mouth. If I'm getting it  
8 wrong, just push back. Okay. The goal of the  
9 posting was to create uniformity of pay for the  
10 people performing the function of snow route  
11 inspector?

12 A. That was one goal. The other goal  
13 was to find out who was interested in becoming a  
14 secondary inspector.

15 Q. A secondary inspector?

16 A. Pretty much.

17 Q. That's important. So the goal was  
18 to create uniformity and also determine who was  
19 interested in becoming a secondary inspector?

20 A. Correct.

21 MS. SHEEHAN: He said for the  
22 most part.

23 Q. (By Ms. Brodeur-McGan) So would  
24 there also be people that had an opportunity, if

1 they applied to this, that were not DPW -- would  
2 they have an opportunity of being a primary  
3 inspector?

4 A. That was a possibility, sure.

5 Q. Okay. And how was that going to be  
6 determined?

7 A. Job performance.

8 Q. Okay. And who was going to  
9 determine it?

10 A. Myself at the time when I was  
11 working.

12 Q. Okay. And again, this is in the  
13 2012 -- like October 2012 time frame, correct?

14 A. Correct.

15 Q. So prior to October of 2012, you at  
16 the DPW already had non-DPW people performing  
17 the function of inspecting snow?

18 A. Okay.

19 Q. I'm asking you.

20 A. Yes.

21 Q. Okay. So let me ask that again. I  
22 just want to make sure I have it right. The DPW  
23 had non-DPW employees, prior to October 2012,  
24 performing the function of snow inspecting?

1           Q.       Or training for that position prior  
2 to September 2012?

3           A.       Yes.

4           Q.       And so that's how you knew there  
5 was a problem with disparity of pay, because  
6 these people that came in that were training  
7 prior to September of 2012 were getting paid  
8 more than some of the experienced people?

9           A.       That's correct.

10          Q.       So we know -- you know, sitting  
11 here today, prior to September 2012, there were  
12 non-DPW people performing the functions of snow  
13 route inspections?

14          A.       Or training for the position, yes.

15          Q.       Or training. Okay. So can you  
16 tell me how you picked -- or the City picked the  
17 persons who were going to train to inspect the  
18 snow routes prior to September of 2012?

19          A.       If they applied or expressed an  
20 interest to me, they were on the list.

21          Q.       And what list would they be put on?

22          A.       Trainee, if there was such a list.  
23 There was a list of names and I couldn't train  
24 them -- if there were twenty-six applicants, I

1 could only train twenty at a time.

2 Q. Okay. So do you remember prior  
3 to -- let me ask you this: Prior to September  
4 2012, October 2012, did people apply to perform  
5 the function of snow route inspection?

6 A. No. There was nothing to apply  
7 for. They were asked if they were interested or  
8 expressed an interest, hey, how do I become a  
9 part of this.

10 Q. Okay. So prior to September 2012,  
11 either they were asked to perform the function  
12 or they inquired about it?

13 A. I would say most of them inquired.

14 Q. Okay. And so how would you put  
15 them on your payroll as the DPW Director --  
16 Deputy Director if they inquired and wanted to  
17 be trained? What would they be listed as?

18 A. Whatever their title was.

19 Q. Their other title with the salary?

20 A. Right.

21 Q. So for instance, Philip Dromey in  
22 Economic Development, he would just be listed as  
23 Economic Development, but the DPW would pay him  
24 to train?

1 list for a primary, but all of the pay records  
2 that have been produced -- he didn't get paid  
3 for snow route inspection for 2012, '13, '14,  
4 '15, '16, '17?

5 A. Well, he retired somewhere in there  
6 also after the illness.

7 Q. Okay. By your example though, if  
8 he was not working in that function, he should  
9 have been removed from a primary list and  
10 somebody else put in his place?

11 A. Once we knew that it was going to  
12 be long-term, yes.

13 Q. Okay. So when you don't know it's  
14 long-term and focusing on the year 2012 to 2013,  
15 how would you know who to call as the backup?

16 A. The way I kept the list, there was  
17 a person across from him. This looks like a  
18 partial of it here.

19 Q. Let's open that up.

20 A. So what I would have is one person  
21 listed here for every twenty here.

22 Q. Okay.

23 A. So if Charles Sumaris was  
24 unavailable, Tom McCall was trained in that

1 A. Say the question again.

2 MS. BRODEUR-MCGAN: Can you  
3 repeat my question?

4 (Question read by reporter)

5 A. No. 2012/2013, depending on if she  
6 completed her training.

7 Q. Okay.

8 A. You know, I don't know when this  
9 was created or when this final draft of this --  
10 the original was created before the season  
11 began, but, as I said, names changed.

12 Q. Okay. So what we're looking at,  
13 this says DPW snow routes 2013 to '14?

14 A. Correct.

15 Q. We have three zones with twenty  
16 primaries in here, and then we have names on the  
17 right, correct?

18 A. Correct.

19 Q. And Jean Williams is on the right  
20 of this snow season, 2013/2014, for Laroe,  
21 correct?

22 A. Correct.

23 Q. So if Laroe is out for 2013 to '14,  
24 Jean Williams would not come in and work for

1           Q.        Okay. Did you place Jean Williams  
2 on one of the more difficult snow routes on this  
3 chart, '13 to '14?

4           A.        I wouldn't have considered it that  
5 way. But now that you point it out, sure. I  
6 can tell you why I placed her there.

7           Q.        Okay. Did you --

8           A.        I placed her there because she  
9 worked in the same office as George Laroe and I  
10 just thought that was a good matchup.

11          Q.        Okay. So you have a present memory  
12 of placing Jean Williams to intentionally work  
13 with George Laroe?

14          A.        Correct.

15          Q.        Okay. And that is because they had  
16 worked together?

17          A.        They worked out of the same office  
18 and they were familiar with each other, sure.

19          Q.        Are you at all familiar with Laroe  
20 having any complaints about Jean Williams'  
21 abilities in the snow inspection training role?

22          A.        I have a recollection of George  
23 saying she wasn't doing a very good job out  
24 there, you know, wasn't getting it, so to speak.

1 I don't want to put words in his mouth, but it  
2 wasn't positive.

3 Q. Do you know how many times George  
4 trained Ms. Williams?

5 A. I know of at least twice because he  
6 asked if he wouldn't have to do it again, and I  
7 made him do it again at least a second time.

8 Q. And did you make any efforts to put  
9 another trainer with Ms. Williams or put her in  
10 a less difficult area?

11 A. I recall being in desperate need.  
12 And as I recall it, she didn't have a third  
13 training and I was desperate for employees and I  
14 teamed her up with another rookie because I just  
15 didn't have -- when I say "rookie," it's another  
16 person who hadn't completed their training. I  
17 didn't want to put either one of them out there  
18 alone not being able to do the job. So I  
19 figured if I put the two together, the two of  
20 them could do it.

21 Q. And who did you put together? Was  
22 it Sheila?

23 A. I don't think it was Sheila.

24 Q. Was it a woman?